

Honorable Marc Barreca
Hearing date: May 28, 2015; 1:30 p.m.
Hearing Place: Room 7106, 700 Stewart Street, Seattle, WA 98101
Responses due by: May 20, 2015; by 4:30 p.m.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:)	Chapter 7
)	Bankruptcy No. 14-13193
TREND SOUND PROMOTER AMG CORP.,)	
)	
Debtor(s).)	
_____)	
BANKRUPTCY ESTATE OF TREND)	Adversary No. 14-01248
SOUND PROMOTER AMG CORP.,)	
by and through Nancy James, Bankruptcy)	
Trustee,)	
)	
Plaintiff,)	
)	
v.)	MOTION FOR AN
)	ORDER OF PARTIAL
VOLODIMYR PIGIDA and JANE DOE)	SUMMARY JUDGMENT
PIGIDA, husband and wife, and the marital)	AND STATEMENT OF
community comprised thereof, individually)	UNCONTESTED FACTS
and as trustee of the Lakeshore Enterprises)	
Trust; and MARINA BONDARENKO and)	
JOHN DOE BONDARENKO, wife and)	
husband, and the marital community)	
comprised thereof, individually and as trustee)	
of the Lakeshore Enterprises Trust, and)	
SOUND STUDIOS LLC, a Washington)	
limited liability company,)	
)	
Defendants.)	
_____)	

COMES NOW the plaintiff, Bankruptcy Estate of Trend Sound Promoter AMG Corp., by and through Nancy James, Bankruptcy Trustee, through counsel, The Rigby Law Firm, and James

**MOTION FOR AN ORDER OF
PARTIAL SUMMARY JUDGMENT
AND STATEMENT OF UNCONTESTED FACTS**
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THE RIGBY LAW FIRM
600 Stewart Street, Suite 1908
Seattle, WA 98101
(206) 755-7600

1 Rigby, and moves this court for an Order of Partial Summary Judgment in the form of the proposed
2 order attached to this motion.

3 The trustee is not asking the court to rule on the issue of insolvency at this point in time
4 because the defendants could reasonably argue that they require additional time to respond on that
5 issue.

6 This motion is based on the pleadings on file herein and the plaintiff's Memorandum in
7 Support of Summary Judgment.

8 This motion is based upon the following facts concerning which there is no genuine dispute.
9 Each allegation is footnoted to the location in the record where it is established.

10 1. The plaintiff is the duly qualified and acting trustee of the estate of the above-named
11 debtor.¹

12 2. Defendant Volodymyr Pigida ("Pigida") is an unmarried individual who resides in
13 King County, Washington.²

14 3. Defendant Marina Bondarenko ("Bondarenko") is an unmarried individual who
15 resides in King County, Washington.³

16 4. Defendant Lakeshore Enterprises Trust holds itself out as a trust.⁴

17 5. Defendant SoundT Studios LLC ("SoundT") is a Washington limited liability
18 company.⁵

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22 ¹Answer and Affirmative Defenses to Plaintiff's First Amended Complaint, Docket No. 33 (hereinafter
"Amended Answer"), para. 1.1. *See*, also, Rigby Dec., Exhibit B.

23 ²Amended Answer, para. 1.2.

24 ³Amended Answer, para. 1.4.

25 ⁴Amended Answer, para. 1.6.

⁵Amended Answer, para. 1.7.

1 6. Pigida and Bondarenko at all material times were principals, officers, owners and
2 shareholders and insiders of the debtor.⁶

3 7. Pigida and Bondarenko are trustees of Lakeshore Enterprises Trust.⁷

4 8. Debtor Trend Sound Promoter AMG Corp. filed a Chapter 11 bankruptcy petition
5 on April 25, 2014.⁸

6 9. The case was converted to a Chapter 7 proceeding on June 2, 2014. Nancy James
7 was appointed as the Chapter 7 trustee.⁹

8 10. On or about January 27, 2014, the debtor transferred by wire \$1,454,448.11 to Ticor
9 Title Company for the benefit of SoundT.¹⁰

10 11. On or about January 29, 2014, the defendants caused to be recorded a Statutory
11 Warranty Deed wherein the grantees were Pigida and Bondarenko as trustees of Lakeshore
12 Enterprises Trust and the property transferred was the real property commonly referred to as 3713
13 Lake Washington Blvd. North, Renton, Washington 98056, and legally described as:

14 Lot 1, City of Renton Lot Line Adjustment Number 003-88, recorded
15 under Recording Number 8806219003, in King County,
16 Washington.¹¹

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18 ⁶Amended Answer, para. 1.8.

19 ⁷Amended Answer, para. 1.9.

20 ⁸Amended Answer, para. 1.11.

21 ⁹Amended Answer, para. 1.11.

22 ¹⁰Plaintiff's First Interrogatories with Answers and Objections Thereto - Pigida personally, No. 8. *See*
23 Declaration of James Rigby in Support of Plaintiff's Motion for Partial Summary Judgment, Exhibit F, (hereinafter
"Rigby Dec., Exhibit F, page 62.")

24 ¹¹Amended Answer, para. 1.13, Plaintiff's First Interrogatories with Answers and Objections Thereto - Pigida
25 as Trustee of Lakeshore Enterprises Trust, No. 4-7 (hereinafter "Rigby Dec., Exhibit E, pages 49-51). Rigby Dec,
Exhibit F, pages 60-63. Plaintiff's First Interrogatories with Answers and Objections Thereto - Bondarenko individually,
Nos. 8-9 (hereinafter "Rigby Dec., Exhibit D, page 39). Plaintiff's First Interrogatories with Answers and Objections
Thereto - Bondarenko as Trustee for Lakeshore Enterprises Trust, Nos. 8-9 (hereinafter "Rigby Dec., Exhibit C, page
25).

1 12. The purchase price for the property of \$1,499,000 was paid entirely or substantially
2 with funds which were transferred to Ticor Title Company by the debtor.¹²

3 13. The transfer referenced above was for the benefit of Pigida and Bondarenko
4 individually or, alternatively, as trustees for Lakeshore Enterprises Trust.¹³

5 14. The debtor made a series of transfers as follows:

6 a) \$882,860.67 net of timely payments was transferred within 90 days prior to
7 the date the bankruptcy petition was filed; and¹⁴

8 b) \$1,449,419.67 net of timely payments was transferred after July 31, 2013,
9 and within one year prior to the date the bankruptcy petition was filed.¹⁵

10 15. Said transfers were made to SoundT, or for its benefit.¹⁶

11 16. Said transfers were property of the debtor.¹⁷

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21 ¹²Id.

22 ¹³Rigby Dec., Exhibit E, page 51. Rigby Dec., Exhibit C, page. 24.

23 ¹⁴Declaration of Richard Ginnis in Support of Motion for Summary Judgment (hereinafter "Ginnis Dec.").

24 ¹⁵Ginnis Dec.

25 ¹⁶Rigby Dec, Exhibit L, page 127, para. 4; Rigby Dec, Exhibit N, pages 134, 136, 145, 147, 149, 151, 153, 155,
158, 160, 163, 165, 168, 170, 172, 174, 177, 179, 184, 186, 188, 190 and 192.

¹⁷Ginnis Dec.; Rigby Dec, Exhibit N.

1 17. The transfers were on account of the License Agreement entered into between the
2 debtor and SoundT on or about December 5, 2012.¹⁸

3 DATED this 29th day of April, 2015.

4 THE RIGBY LAW FIRM

5 */S/ James Rigby*

6 _____
7 James Rigby, WSBA #9658
8 Special Counsel for Plaintiff/Trustee
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¹⁸Ginnis Dec; Rigby Dec, Exhibits L and N.